

17B-1-208 Additional petition requirements and limitations.

- (1) Each petition shall:
 - (a) be filed with the responsible clerk;
 - (b) separately group signatures by county and municipality, so that all signatures of the owners of real property located within or of registered voters residing within each county whose unincorporated area includes and each municipality whose boundaries include part of the proposed local district are grouped separately; and
 - (c) state the number of members that the board of trustees of the proposed local district will have, consistent with the requirements of Subsection 17B-1-302(2).
- (2)
 - (a) A petition may not propose the creation of a local district that includes an area located within the unincorporated part of a county or within a municipality if the legislative body of that county or municipality has adopted a resolution under Subsection 17B-1-212(1) indicating that the county or municipality will provide to that area the service proposed to be provided by the proposed local district.
 - (b) Subsection (2)(a) does not apply if the county or municipal legislative body is considered to have declined to provide the requested service under Subsection 17B-1-212(3).
 - (c) Subsection (2)(a) may not be construed to prevent the filing of a petition that proposes the creation of a local district whose area excludes that part of the unincorporated area of a county or that part of a municipality to which the county or municipality has indicated, in a resolution adopted under Section 17B-1-212, it will provide the requested service.
- (3) A petition may not propose the creation of a local district whose area includes:
 - (a) some or all of an area described in a previously filed petition that, subject to Subsection 17B-1-202(4)(b):
 - (i) proposes the creation of a local district to provide the same service as proposed by the later filed petition; and
 - (ii) is still pending at the time the later petition is filed; or
 - (b) some or all of an area within a political subdivision that provides in that area the same service proposed to be provided by the proposed local district.
- (4) A petition may not be filed more than 12 months after a county or municipal legislative body declines to provide the requested service under Subsection 17B-1-212(1) or is considered to have declined to provide the requested service under Subsection 17B-1-212(2) or (3).

Renumbered and Amended by Chapter 329, 2007 General Session